

REMARKS

Claims 1-33 are pending.

Claims 1-33 are rejected.

New Claims 34-36 are added.

I. REJECTION UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 1-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,393,594 to *Anderson et al.* (hereafter "*Anderson*") in view of published U.S. Patent Application 2002/0129309 to *Floyd et al.* (hereafter "*Floyd*"). The references *Anderson* and *Floyd*, which only qualify as prior art under 35 U.S.C. § 102(e), do not preclude patentability under 35 U.S.C. § 103 since *Anderson* and *Floyd* and the claimed invention in claims 1-33 were at the time the invention was made, subject to an obligation of assignment to the same person (owning entity), which in this case was International Business Machines Corporation. Thus, *Anderson* and *Floyd* are disqualified as being used as a prior art reference under 35 U.S.C. § 103(c). Consequently, rejections of claims 1-33 are moot.

35 U.S.C § 103(c): "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

II. CONCLUSION

The Applicant has traversed the rejections of Claims 1-33 under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* in view of *Floyd*.

The Applicant has added new Claims 34- which the Applicant asserts are fully enabled and supported in the Specification of the present invention.


The Applicant, therefore, respectfully asserts that Claims 1-33 and new Claims 34-36 are now in condition for allowance and request an early allowance of these claims.

Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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